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1 3993 Howard Hughes Parkway, Suite 600  
2 Las Vegas, NV 89169-5996  
3 Facsimile (702) 949-8321  
4 Telephone (702) 949-8320

5 Rob Charles NV State Bar No. 006593  
6 Email: rcharles@lrlaw.com  
7 John Hinderaker AZ State Bar No. 018024  
8 Email: jhinderaker@lrlaw.com  
9 Marvin Ruth NV State Bar No. 10979  
10 Email: mruth@lrlaw.com

11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**  
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE  
16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,  
18 LLC,<sup>1</sup>

19 USA CAPITAL DIVERSIFIED TRUST  
20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED  
22 FUND, LLC,<sup>2</sup>

23 USA SECURITIES, LLC,<sup>3</sup> Debtors.

24 **Affects:**

25  All Debtors  
26  USA Commercial Mortgage Company  
27  USA Capital Realty Advisors, LLC  
28  USA Capital Diversified Trust Deed Fund, LLC  
29  USA Capital First Trust Deed Fund, LLC  
30  USA Securities, LLC

31 Case No. BK-S-06-10725-LBR<sup>1</sup>  
32 Case No. BK-S-06-10726-LBR<sup>1</sup>  
33 Case No. BK-S-06-10727-LBR<sup>2</sup>  
34 Case No. BK-S-06-10728-LBR<sup>2</sup>  
35 Case No. BK-S-06-10729-LBR<sup>3</sup>

36 **CHAPTER 11**

37 Jointly Administered Under Case No.  
38 BK-S-06-10725 LBR

39 **NOTICE OF HEARING REGARDING  
40 FIRST OMNIBUS OBJECTION OF  
41 USACM TRUST TO PROOFS OF  
42 CLAIM BASED UPON  
43 INVESTMENT IN THE ARAPAHOE  
44 LAND INVESTMENTS, LP LOAN**

45 Date of Hearing: October 19, 2009  
46 Time of Hearing: 3:00 p.m.

47 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
48 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
49 CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE**

50 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

51 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

52 <sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1           **ARAPAHOE LAND INVESTMENTS, LP LOAN. THIS OBJECTION WILL NOT**  
2           **IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN**  
3           **INVESTMENT IN A DIFFERENT LOAN.**

4           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
5           **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
6           **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
7           **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**  
8           **GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

9           **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
10          First Omnibus Objection to Proofs of Claim Based Upon Investment in the Arapahoe Land  
11          Investments, LP Loan (the “Objection”). Your Proof of Claim number and other  
12          information regarding your claim is provided in **Exhibit A**, attached. The USACM  
13          Liquidating Trust has requested that this Court enter an order, pursuant to Bankruptcy  
14          Code § 502 and Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is  
15          based upon investment in the Arapahoe Land Investments, LP Loan . The Objection will  
16          not impact your Claim to the extent it is based upon an investment in a different loan.

17           **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
18          before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
19          Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
20          **October 19, 2009, at the hour of 3:00 p.m.**

21           **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON OCTOBER**  
22          **19, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**  
23          **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**  
24          **HEARD ON THAT DATE.**

25           **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
26          by **October 9, 2009**, pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: September 18, 2009.

LEWIS AND ROCA LLP

By /s/ Marvin Ruth (#10979)  
Rob Charles, NV 6593  
John C. Hinderaker, AZ 18024 (*pro hac vice*)  
Marvin Ruth, NV 10979  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
Telephone: (702) 949-8320  
Facsimile: (702) 949-8398  
E-mail: mruth@lrlaw.com  
*Attorneys for the USACM Liquidating Trust*

Copy of the foregoing and pertinent portion of Exhibit A mailed by first class postage prepaid U.S. Mail on September 18, 2009 to:

Parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

/s/ Kristin Reynolds  
Kristin Reynolds